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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,348

Applicant(s)

LUERS, JURGEN

Examiner

WEN W. HUANG

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 and 24-33 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 13-21 and 24-33 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 6/4/08
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claims 1-12, 22 and 23 are canceled.

Claims 13-21 and 24-33 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 16, 17, 27, 32 and 33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 16 requires that wherein only information about external gateways within range of the local-area transceiver defined by at least one of the stored data records is displayed for selection. Claim 17 requires that wherein only information about external gateways within range of the local-area transceiver that have authorized the terminal to establish the connection is displayed for selection.

The Examiner submits that the Specification recites:

"[0034] A typical sequence in the use of this system by the user assumed here (father of the family) is approximately as follows: he is at home in the attic and sees on the display of his agent 3a that he can accept calls and conduct outgoing calls via the analog fixed-network PSTN and via the gateway 23a of his company car 21a which is standing

in front of the house. He sees that both his wife's car and her agent are not displayed, that she has therefore left the house in her car. He presses the symbol for his older son's agent, who then answers and informs him that his assumption is correct and asks him down for breakfast. (emphasis added)"

The Examiner submits that the Specification merely discloses a situation wherein the mobile terminal does not display a particular external gateways and the user of the terminal assumes that the particular external gateway has left the communication range of the terminal. Thus, the Examiner submits that such broad teaching is not commensurate with the narrow teaching of only displaying the external gateways in the communication range as in claims 16 and 17 (i.e. not displaying any information other than information about the external gateways within the communication range of the terminal defined by the records). Put simply, the scope claimed is not supported by the scope disclosed. More specifically, the Examiner submits that the Specification of the instant application disclosing "not displaying a particular external gateway which may be outside of the communication of the terminal" does not enable one of ordinary skill in the art to make/use "not displaying all external gateways that are located outside of the communication range of the terminal".

Claim 27, 32 and 33 require the internal gateway (fig. 2, WAN transceiver 45) of the terminal to act as an external gateway to a further telecommunication terminal (e.g. another terminal 103). However, the Examiner submits that no support can be found in the specification to enable one skilled in the art to make and/or use the claimed internal

gateway of the terminal to act as an external gateway to the mobile radio communication network.

More specifically, the Specification of the instant application recites:

[0010] The user carries with him/her a novel communications terminal which is referred to below as a communications agent or in short as an agent. This agent is restricted to his person and establishes via a local-area radio technology yet to be defined and standardized contact with gateways present locally. Each gateway provides access to a communications network and does not necessarily have to have a user interface. The gateway functionality can, however, also be integrated in existing forms of terminals (even in the "agent" itself), so that agents can establish contact directly via the underlying local-area radio network (i.e. circumventing any other infrastructure which may be subject to charges).

The Examiner submits that the above paragraph teaches that the gateway functionality can be integrated in the mobile terminals (i.e. agents), so that mobile terminals can establish contact directly via the short range network and circumventing any other infrastructure (i.e. mobile radio network). The Examiner submits that there is no mention to the internal gateway of the terminals (agents) in the paragraph above. Thus, the Specification does not enable one skilled in the art to make and/or use the internal gateway of the terminals (agents) to act as an external gateway to a further telecommunication terminal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 13-18, 24-26 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin (US Pub No. 2004/0204076 A1) in view of Herring et al. (US. 7,177,287 B1; hereinafter "Herring")

Regarding **claim 13**, Kotzin teaches a telecommunications terminal (see Kotzin, fig. 1, subscriber device 103) having a user interaction function adapted to establish a telecommunications connection (see Kotzin, fig. 2, user interface 112, para. [0013]), comprising:

a local-area transceiver (see Kotzin, fig. 2, LAN transceiver 209) adapted for wireless traffic between the telecommunications terminal and a plurality of external gateways (see Kotzin, para. [0016], lines 4-6, establishing connections with external devices), each external gateway providing access to a communications network (see Kotzin, para. [0029], lines 1-13);

a display device adapted for displaying information about a plurality of external gateways within range of the local-area transceiver (see Kotzin, fig. 2, display 217, fig. 4, step 417 and para. [0029], lines 7-13);

a selection unit (see Kotzin, fig. 2, keypad 215) adapted to select one of the plurality of external gateways displayed by the display device in order to establish the telecommunication connection to the respective communications network via the selected gateway (see Kotzin, fig. 4 step 419, para. [0029], lines 11-16).

Kotzin is silent to teaching that at least one of the external gateways excluding a user interface (i.e. display device). However, the claimed limitation is well known in the art as evidenced by Herring.

In the same field of endeavor, Herring teaches a telecommunications terminal (see Herring, fig. 2, PDA 100, col. 4, lines 21-39) wherein at least one of the external gateways excluding a user interface (i.e. display) (see Herring, fig. 2, base station 102c, col. 4, lines 40-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin with the teaching of Herring in order to supporting concurrent voice and data communications via cost efficient access points for the wireless LAN (see Herring, col. 2, lines 21-25 and col. 4, lines 43-44).

Regarding **claim 14**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 13, wherein the local-area transceiver is adapted according to a Bluetooth standard having loadware adapted for connecting to the gateway (see Kotzin, para. [0015], lines 5-6 and 15-19).

Regarding **claim 15**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 13, wherein the local-area transceiver is adapted according to a wireless LAN having loadware adapted for connecting to the gateway (see Kotzin, para. [0015], lines 5-6 and 15-19).

Regarding **claim 16**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 13, further comprising a user-data memory (see Kotzin, memory 227) that stores connection-data records, each record having of a predetermined connection that can be established between the external gateway and the telecommunications terminal (see Kotzin, fig. 2, connection est. 237; para. [0016], lines 4-6), wherein only information about external gateways within range of the local-area transceiver defined by at least one of the stored data records is displayed for selection (see Kotzin, fig. 4, step 417, displaying availability of detected external devices from step 403, para. [0028-0029]).

Regarding **claim 17**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 16, further comprising an authentication-data input (see Kotzin, fig. 2, keypad 215) for inputting an authentication data of a user (see Kotzin, para. [0021], lines 1-3; "device profile"), the data authentication-data interfacing with the local-area transceiver for transmitting the authentication data to the gateway (see Kotzin, para. [0021], lines 9-20),

wherein the external gateway determines from the authentication data if the terminal is authorized to establish the connection via the gateway (see Kotzin, para. [0021-0022]), and

wherein only information about the external gateways within range of the local-area transceiver that have authorized the terminal to establish the connection is

displayed for selection (see Kotzin, fig. 4, step 417, displaying availability of detected external devices from step 403, para. [0028-0029]).

Regarding **claim 18**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 17, further comprising a processor and memory (see Kotzin, fig. 2, processor 208 and memory 227) to provide PDA functionality that is independent of the telecommunications functions (see Kotzin, para. [0026], lines 12-15, platform independent language).

Regarding **claim 24**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 17, wherein the authentication data includes information of a telecommunication terminal authorized to establish the connection to the wireless network via the terminal (see Kotzin, para. [0021]).

Regarding **claim 25**, the combination of Kotzin and Herring also teaches the telecommunications terminal 13, wherein the display of the plurality of external gateways within range of the local-area transceiver (see Kotzin, fig. 4, display step 417) includes a cost of using the respective gateway to establish the telecommunication connection (see Kotzin, para. [0029], lines 3-7).

Regarding **claim 26**, the combination of Kotzin and Herring teaches the telecommunications terminal according to claim 13 comprises an internal gateway (see

Kotzin, fig. 2, WAN transceiver 203 and controller 207) for connecting to a mobile radio communications network (see Kotzin, fig. 1, WAN wireless connection 109; para. [0012], lines 7-10).

Regarding **claim 30**, the combination of Kotzin and Herring also teaches the telecommunications terminal according to claim 13, wherein the user interface comprises a display device (see Herring, fig. 2, base station 102c, col. 4, lines 40-43).

3. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Herring as applied to claim 13 above, and further in view of Alberti (US. 7,343,156 B2).

Regarding **claim 29**, the combination of Kotzin and Herring teaches the telecommunications terminal according claim 13.

The combination of Kotzin and Herring is silent to teaching that wherein the user interface comprises an input device. However, the claimed limitation is well known in the art as evidenced by Alberti.

In the same field of endeavor, Alberti teach at least one of the external gateways excludes an input device (see Alberti, col. 2, lines 25-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin and Herring with the

teaching of Alberti in order to provide security to the wireless network (see Alberti, col. 2, lines 28-30).

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Herring as applied to claim 13 above, and further in view of Pradhan et al. (US. 6,968,178 B2; hereinafter "Pradhan")

Regarding **claims 31**, the combination of Kotzin and Herring teaches the telecommunications terminal according to claim 13.

The combination of Kotzin and Herring is silent to teaching that wherein the local-area transceiver directly exchanging voice traffic with a local area transceiver of a similar telecommunications terminal without the intermediate connection of an external network. However, the claimed limitation is well known in the art as evidenced by Pradhan.

In the same field of endeavor, Pradhan teaches a telecommunications assembly (see Pradhan, fig. 1) wherein the local-area transceiver (see Pradhan, fig. 1, MS 10 and 12; 14a and 14b; col. 9, lines 20-38) directly exchanging voice (see Pradhan, col. 4, lines 6-7) traffic with a local are transceiver of a similar telecommunications terminal without the intermediate connection of an external network (see Pradhan, fig. 2, Bluetooth 34, col. 10, lines 8-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Kotzin and Herring with the

teaching of Pradhan in order to provide free voice communication between terminals via short range connections (see Pradhan, col. 4, lines 10-11).

5. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Herring as applied to claim 13 above, and further in view of Wilcock et al. (US. 6,741,864 B2; hereinafter "Wilcock")

Regarding **claim 33**, the combination of Kotzin and Herring teaches the telecommunications terminal according to claim 13.

The combination of Kotzin and Herring is silent to teaching that wherein the internal gateway acts as an external gateway to a further telecommunications terminal. However, the claimed limitation is well known in the art as evidenced by Wilcock.

In the field of endeavor, Wilcock teaches a telecommunications terminal (see Wilcock, fig. 11, cell phone 20) wherein the internal gateway (see Wilcock, fig. 11, Radio 22) acts as an external gateway to a further telecommunications terminal (see Wilcock, fig. 11, PLMN 10; camera 90, I/F 96 and 97).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin and Herring with the teaching of Wilcock in order to utilize data bearer services of cellular radio network (see Wilcock, col. 2, lines 9-14).

6. Claims 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin in view of Pradhan et al. (US. 6,968,178 B2; hereinafter "Pradhan")

Regarding **claim 19**, Kotzin teaches a telecommunications assembly (see Kotzin, fig. 1, subscriber device 103 and notebook 113), comprising:

a telecommunications terminal (subscriber device 103) having a user interaction function adapted to establish a telecommunications connection (see Kotzin, fig. 2, user interface 112, para. [0013]), comprising:

a signaling mechanism adapted for signaling incoming calls to the selected connection (see Kotzin, fig. 2, speaker 219);

an input device adapted for inputting outgoing messages and a telecommunications connections data (see Kotzin, fig. 2, keypad 215, microphone 221);

a display device adapted for displaying incoming messages (see Kotzin, fig. 2, display 217);

a local-area transceiver (see Kotzin, fig. 2, LAN transceiver 209) adapted for wireless traffic between the telecommunications terminal and an external gateway (see Kotzin, fig. 1, notebook 113) for establishing the telecommunications connection (see Kotzin, fig. 1, wireless LAN connection 111; para. [0012], lines 22-23, PSTN 125);

an internal gateway (see Kotzin, fig. 2, WAN transceiver 203 and controller 207), for connecting to a mobile radio communications network (see Kotzin, fig. 1, WAN wireless connection 109; para. [0012], lines 7-10) and for interfacing to the selection mechanism (see Kotzin, fig. 2, keypad), the signaling mechanism (speaker), the input device (microphone), and the output device (display), wherein the telecommunications

terminal is configured as a mobile-radio-communications terminal (see Kotzin, para. [0012], lines 3-5), and

an authentication-data input mechanism allowing an authentication-data input (see Kotzin, fig. 2, keypad 215), the authentication-data input mechanism interfacing with the local-area transceiver for transmitting the authentication data (see Kotzin, para. [0021], lines 1-3; "device profile"; para. [0021], lines 9-20); and

an external gateway (see Kotzin, fig. 1, notebook 113), comprising:
a local-area transceiver (see Kotzin, fig. 3, LAN transceiver 303; para. [0017], lines 14-18) adapted to receive transmission from telecommunications terminal including the authentication-data input (see Kotzin, fig. 1, LAN wireless connection 111);
and

an access control mechanism (see Kotzin, para. [0022], lines 1-2; security firewall) adapted to block traffic to an unauthorized telecommunications terminal based on the authentication-data input and to release traffic to an authorized telecommunications terminal based on the authentication-data input (see Kotzin, para. [0021], lines 9-20 and para. [0022], lines 1-16).

Kotzin is silent to teaching that wherein each local-area transceiver for a plurality of the telecommunication terminal s are configured for directly exchanging voice traffic with each other without the intermediate connection of an external network. However, the claimed limitation is well known in the art as evidenced by Pradhan.

In the same field of endeavor, Pradhan teaches a telecommunications assembly (see Pradhan, fig. 1) wherein each local-area transceiver for a plurality of the

telecommunication terminals (see Pradhan, fig. 1, MS 10 and 12; 14a and 14b; col. 9, lines 20-38) are configured for directly exchanging voice (see Pradhan, col. 4, lines 6-7) traffic with each other without the intermediate connection of an external network (see Pradhan, fig. 2, Bluetooth 34, col. 10, lines 8-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Kotzin with the teaching of Pradhan in order to provide free voice communication between terminals via short range connections (see Pradhan, col. 4, lines 10-11).

Regarding **claim 21**, the combination of Kotzin and Pradhan also teaches the telecommunications assembly according to claim 19, wherein the local-area transceiver includes a threshold discriminator (see Kotzin, fig. 2, antenna of the LAN transceiver 209) for detecting an entry into the radio transmission range of an telecommunications terminal (see Kotzin, fig. 4, step 403 "detecting external device"), the threshold discriminator is operatively connected to a communications-start control device (see Kotzin, fig. 2, controller 207) for initiating a communications start procedure with the telecommunications terminal after entering into the radio transmission range (see Kotzin, fig. 4, step 409 to 423; para. [0029]).

7. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Pradhan as applied to claim 19 above, and further in view of Herring and Alberti.

Regarding **claim 20**, the combination of Kotzin and Pradhan also teaches the telecommunications assembly according to claim 19.

The combination of Kotzin and Pradhan is silent to teaching that wherein the external gateway excludes a signaling mechanism, an input device and a display device. However, the claimed limitation is well known in the art as evidenced by Herring and Alberti.

In the same field of endeavor, Herring teaches a telecommunications terminal (see Herring, fig. 2, PDA 100, col. 4, lines 21-39) wherein at least one of the external gateways excludes a signaling mechanism and a display device (see Herring, fig. 2, base station 102c, col. 4, lines 40-43).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin and Pradhan with the teaching of Herring in order to supporting concurrent voice and data communications via cost efficient access points for the wireless LAN (see Herring, col. 2, lines 21-25 and col. 4, lines 43-44).

The combination of Kotzin, Pradhan and Herring is silent to teaching that wherein the external gateway excludes an input device. However, the claimed limitation is well known in the art as evidenced by Alberti.

In the same field of endeavor, Alberti teach at least one of the external gateways excludes an input device (see Alberti, col. 2, lines 25-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin, Pradhan and Herring

with the teaching of Alberti in order to provide security to the wireless network (see Alberti, col. 2, lines 28-30).

8. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Pradhan as applied to claim 19 above, and further in view of Wilcock.

Regarding **claim 27**, the combination of Kotzin and Pradhan teaches the telecommunications terminal according to claim 19.

The combination of Kotzin and Herring is silent to teaching that wherein the internal gateway acts as an external gateway to a further telecommunications terminal. However, the claimed limitation is well known in the art as evidenced by Wilcock.

In the field of endeavor, Wilcock teaches a telecommunications terminal (see Wilcock, fig. 11, cell phone 20) wherein the internal gateway (see Wilcock, fig. 11, Radio 22) acts as an external gateway to a further telecommunications terminal (see Wilcock, fig. 11, PLMN 10; camera 90, I/F 96 and 97).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin and Pradhan with the teaching of Wilcock in order to utilize data bearer services of cellular radio network (see Wilcock, col. 2, lines 9-14).

9. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin in view of Alberti.

Regarding **claim 28**, Kotzin teaches a telecommunications terminal (see Kotzin, fig. 1, subscriber device 103) having a user interaction function adapted to establish a telecommunications connection (see Kotzin, fig. 2, user interface 112, para. [0013]), comprising:

a local-area transceiver (see Kotzin, fig. 2, LAN transceiver 209) adapted for wireless traffic between the telecommunications terminal and a plurality of external gateways (see Kotzin, para. [0016], lines 4-6, establishing connections with external devices), each external gateway providing access to a communications network (see Kotzin, para. [0029], lines 1-13);

a display device adapted for displaying information about a plurality of external gateways within range of the local-area transceiver (see Kotzin, fig. 2, display 217, fig. 4, step 417 and para. [0029], lines 7-13);

a selection unit (see Kotzin, fig. 2, keypad 215) adapted to select one of the plurality of external gateways displayed by the display device in order to establish the telecommunication connection to the respective communications network via the selected gateway (see Kotzin, fig. 4 step 419, para. [0029], lines 11-16); and

an internal gateway (see Kotzin, fig. 2, WAN transceiver 203 and controller 207) for connecting to a mobile radio communications network (see Kotzin, fig. 1, WAN wireless connection 109; para. [0012], lines 7-10).

Kotzin is silent to teaching that at least one of the external gateways excludes a user input. However, the claimed limitation is well known in the art as evidenced by Alberti.

In the same field of endeavor, Alberti teach at least one of the external gateways excludes an input device (see Alberti, col. 2, lines 25-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin with the teaching of Alberti in order to provide security to the wireless network (see Alberti, col. 2, lines 28-30).

10. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kotzin and Alberti as applied to claim 28 above, and further in view of Wilcock.

Regarding **claim 32**, the combination of Kotzin and Alberti teaches the telecommunications terminal according to claim 28.

The combination of Kotzin and Herring is silent to teaching that wherein the internal gateway acts as an external gateway to a further telecommunications terminal. However, the claimed limitation is well known in the art as evidenced by Wilcock.

In the field of endeavor, Wilcock teaches a telecommunications terminal (see Wilcock, fig. 11, cell phone 20) wherein the internal gateway (see Wilcock, fig. 11, Radio 22) acts as an external gateway to a further telecommunications terminal (see Wilcock, fig. 11, PLMN 10; camera 90, I/F 96 and 97).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin and Alberti with the teaching of Wilcock in order to utilize data bearer services of cellular radio network (see Wilcock, col. 2, lines 9-14).

Response to Arguments

Applicant's arguments with respect to claim 28 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 5/7/08 have been fully considered but they are not persuasive.

Claim 13

Applicant argues that the combination of Kotzin and Herring is improper because Kotzin seeks to enhance the user interface capability and the combination of Kotzin and Herring would not provide enhancement to the user interface. However, the Examiner respectfully disagrees.

More specifically, the Examiner realizes that Kotzin seeks to enhance the user interface capability of the mobile terminal. However, this does not mean that Kotzin cannot be combined for reasons other than enhancing the user interface capability of the mobile terminal.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Herring explicitly teaches that there is a need for supporting concurrent voice and data communications over wireless LAN (see Herring, col. 2, lines 21-25). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching of Kotzin with the teaching of Herring in order to supporting concurrent voice and data communications via cost efficient access points for the wireless LAN (see Herring, col. 2, lines 21-25 and col. 4, lines 43-44).

Claim 19

In response to applicant's argument that there is no suggestion to combine the references (i.e. Kotzin and Pradhan), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.

1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to recognize the advantage of providing free voice communication via short range connections (see Pradhan, col. 4, lines 6-7 and col. 10, lines 8-11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teaching Kotzin with the teaching of Pradhan in order to provide free voice communication between terminals via short range connections (see Pradhan, col. 4, lines 10-11).

112 Rejection

Applicant argues that the specification of the instant application supports claims 16 and 17 requiring that wherein only information about external gateways within range of the local-area transceiver defined by at least one of the stored data records is displayed for selection.

The Examiner submits that the Specification recites:

"[0034] A typical sequence in the use of this system by the user assumed here (father of the family) is approximately as follows: he is at home in the attic and sees on the display of his agent 3a that he can accept calls and conduct outgoing calls via the analog fixed-network PSTN and via the gateway 23a of his company car 21a which is standing in front of the house. He sees that both his wife's car and her agent are not displayed, that she has therefore left the house in her car. He presses the symbol for his older son's agent, who then answers and informs him that his assumption is correct and asks him down for breakfast. (emphasis added)"

The Examiner submits that the Specification merely discloses a situation wherein the mobile terminal does not display a particular external gateway and the user of the

terminal assumes that the particular external gateway has left the communication range of the terminal. Thus, the Examiner submits that such broad teaching is not commensurate with the narrow teaching of only displaying the external gateways in the communication range as in claims 16 and 17 (i.e. not displaying any information other than information about the external gateways within the communication range of the terminal defined by the records). More specifically, the Examiner submits that the Specification of the instant application disclosing "not displaying a particular external gateway which may be outside of the communication of the terminal" does not enable one of ordinary skill in the art to make/use "not displaying all external gateways that are located outside of the communication range of the terminal".

Applicant also argues that the specification supports claim 27, 32 and 33 requiring the internal gateway (fig. 2, WAN transceiver 45) of the terminal to act as an external gateway to a further telecommunication terminal (e.g. another terminal 103).

However, the Examiner submits that no support can be found in the specification to enable one skilled in the art to make and/or use the claimed internal gateway of the terminal to act as an external gateway to the mobile radio communication network.

More specifically, the Specification of the instant application recites:

[0010] The user carries with him/her a novel communications terminal which is referred to below as a communications agent or in short as an agent. This agent is restricted to his person and establishes via a local-area radio technology yet to be defined and standardized contact with gateways present locally. Each gateway provides access to a communications network and does not necessarily have to have a user interface. The gateway functionality can, however, also be integrated in existing forms of terminals (even in the "agent" itself), so that agents can establish contact directly via the underlying local-area radio network (i.e. circumventing any other infrastructure which may be subject to charges).

The Examiner submits that the above paragraph teaches that the gateway functionality can be integrated in the mobile terminals (i.e. agents), so that mobile terminals can establish contact directly via the short range network and circumventing any other infrastructure (i.e. mobile radio network). The Examiner submits that there is no mention to the internal gateway of the terminals (agents) in the paragraph above. Thus, the Specification does not enable one skilled in the art to make and/or use the internal gateway of the terminals (agents) to act as an external gateway to a further telecommunication terminal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WEN W. HUANG whose telephone number is (571)272-7852. The examiner can normally be reached on 10am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. W. H./
Examiner, Art Unit 2618

/Matthew D. Anderson/
Supervisory Patent Examiner, Art Unit 2618